

1 AMANDA H. SAXTON  
Chief of Enforcement  
2 MELODEE A. MATHAY  
Senior Commission Counsel  
3 **FAIR POLITICAL PRACTICES COMMISSION**  
428 J Street, Suite 620  
4 Sacramento, CA 95814  
Telephone: (916) 322-5660  
5 Facsimile: (916) 322-1932

6 Attorneys for Complainant

7  
8 BEFORE THE FAIR POLITICAL PRACTICES COMMISSION

9 STATE OF CALIFORNIA

10  
11 In the Matter of ) FPPC No.: 04/250  
12 )  
13 LATINO BUILDERS INDUSTRY ) DEFAULT DECISION AND  
ASSOCIATION, ) ORDER  
14 )  
15 ) (Government Code Sections 11506  
and 11520)  
16 Respondent. )

17 Complainant Michael B. Salerno, Executive Director of the Fair Political Practices Commission,  
18 hereby submits this Default Decision and Order for consideration by the Fair Political Practices  
19 Commission at its next regularly scheduled meeting.

20 Pursuant to the Administrative Procedure Act,<sup>1</sup> Respondent Latino Builders Industry Association  
21 has been served with all of the documents necessary to conduct an administrative hearing regarding the  
22 above-captioned matter, including the following:

- 23 1. An Order Finding Probable Cause;  
24 2. An Accusation;  
25 3. A Notice of Defense (Two Copies);  
26 4. A Statement to Respondent; and  
27 5. Copies of Government Code Sections 11506, 11507.5, 11507.6 and 11507.7.

28 <sup>1</sup> The Administrative Procedure Act, which governs administrative adjudications, is contained in Sections 11370 through 11529 of the Government Code.

1 Government Code Section 11506 provides that the failure of a respondent to file a Notice of  
2 Defense within fifteen days after being served with an Accusation shall constitute a waiver of  
3 respondent's right to a hearing on the merits of the Accusation. The Statement to Respondent, served on  
4 Respondent Latino Builders Industry Association, explicitly stated that a Notice of Defense must be  
5 filed in order to request a hearing. Respondent failed to file a Notice of Defense within fifteen days of  
6 being served with an Accusation. Government Code Section 11520 provides that, if the respondent fails  
7 to file a Notice of Defense, the Commission may take action, by way of a default, based upon the  
8 respondent's express admissions or upon other evidence, and that affidavits may be used as evidence  
9 without any notice to the respondent.

10 Respondent Latino Builders Industry Association violated the Political Reform Act as described  
11 in Exhibit 1, and accompanying declarations, which are attached hereto and incorporated by reference as  
12 though fully set forth herein. Exhibit 1 is a true and accurate summary of the law and evidence in this  
13 matter. This Default Decision and Order is submitted to the Commission to obtain a final disposition of  
14 this matter.

15  
16 Dated: \_\_\_\_\_

\_\_\_\_\_  
Michael B. Salerno  
Executive Director  
Fair Political Practices Commission

17  
18  
19 **ORDER**

20 The Commission issues this Default Decision and Order and imposes an administrative penalty  
21 of \$55,000 (Fifty Five Thousand Dollars) upon Respondent Latino Builders Industry Association  
22 payable to the "General Fund of the State of California."

23 IT IS SO ORDERED, effective upon execution below by the Chairman of the Fair Political  
24 Practices Commission at Sacramento, California.

25  
26  
27 Dated: \_\_\_\_\_

\_\_\_\_\_  
Ross Johnson, Chairman  
Fair Political Practices Commission